REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-10, 18-19, and 29-40 were pending in this application. Claims 31 and 33 have been canceled by this reply, without prejudice or disclaimer. Claims 1 and 18 are independent. The remaining claims depend, directly or indirectly, from claims 1 and 18.

Objections

Claims 31 and 38 are objected to for minor informalities. Claim 31 has been canceled by this reply; thus, this objection is now moot with respect to claim 31. Claim 38 has been amended in accordance with the Examiner's suggestions on page 2 of the Office Action mailed August 17, 2007. Accordingly, withdrawal of these objections is respectfully requested.

Claim Amendments

Independent claims 1 and 18 have been amended to include the subject matter of dependent claims 31 and 33, respectively, and to clarify the invention as recited. Dependent claims 32 and 34 have been amended to conform to the amended independent claims. Support for the amendments to the claims may be found, for example, at least on pages 15-16 of the Specification and in the original claims. No new subject matter is added by way of these amendments.

Rejection(s) under 35 U.S.C. § 103

Claims 1-10, 18-19, and 29-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,983,273 ("White") in view of U.S. Patent No. 5,884,284 ("Peters") and further in view of U.S. Patent No. 6,459,427 ("Mao"). Claims 31 and 33 have been canceled by this reply; thus, this rejection is now moot with respect to the canceled claims. To the extent that this rejection may still apply to the remaining amended claims, this rejection is respectfully traversed.

To establish a *prima facie* case of obviousness "...the prior art reference (or references when combined) must teach or suggest all the claim limitations." (*See* MPEP §2143.03). Further, "all words in a claim must be considered in judging the patentability of that claim against the prior art." (*See* MPEP §2143.03). Applicant respectfully asserts that the combination of White, Peters, and Mao does not teach or suggest each and every limitation of the amended independent claims. Accordingly, Applicant respectfully asserts the Examiner has failed to produce a *prima facie* case of obviousness.

As an initial matter, Applicant notes that the Examiner asserts that White teaches a gateway interposed between receiver/decoder and the remote device to which the receiver/decoder communicates. However, in the Office Action mailed August 17, 2007, on page 3, the Examiner equates the WebTV server of White with *both* the remote device and the gateway. This is clearly incorrect. The independent claims clearly recite three distinct and separate entities: the receiver/decoder, one or more remote devices, and the gateway. White, on the other hand, only teaches two entities: a WebTV server and a WebTV client (*see* White, Figure 5). Because White has no need to teach a separate gateway to facilitate communication between the WebTV client and the WebTV server, the Examiner's assertion that the WebTV

server is equivalent to the gateway of the claimed invention is clearly incorrect, as evidenced by the fact that the Examiner admits that the WebTV server does not perform all the functions of the gateway as claimed in the claimed invention (*see* Office Action mailed August 17, 2007, top of page 5).

Turning to the rejection of the claims, the amended independent claims recite "wherein low-level communication between the <u>receiver/decoder</u> and the <u>gateway interposed between the receiver/decoder and the remote device</u> is performed using a message structure, and wherein the message structure comprises a gateway protocol version, a command identifier that identifies a type of the message, wherein the type of the message defines at least one parameter included in the message, and a data length indicating an overall length of the least one parameter, wherein the at least one parameter identifies the remote device and comprises data to be communicated to the remote device for purposes of obtaining internet services."

The Examiner relies on White as teaching the low-level messages recited in the amended independent claims (*see* Office Action mailed August 17, 2007, page 9, discussion of claims 31 and 33). However, it follows from the argument above with respect to the gateway of the claimed invention, that the Examiner is clearly mischaracterizing the prior art or reading the present application's claim limitations overly broad by asserting that the *e-mail* messages taught in col. 6, ll. 53-64 and col. 10, ll. 33-50, and/or the favorites *database records* taught in col. 8, ll. 30-52 of White are equivalent to the low-level messages that facilitate communication between the gateway and the receiver/decoder of the claimed invention. The data communicated between the WebTV server and the WebTV client of White does not need to be converted to meet any standard or protocol because the WebTV server of White is *not* a gateway. Thus, the e-mail messages and the database records taught by White are not communicated between a gateway

and a receiver/decoder or equivalents thereof. Rather, the e-mail messages are communicated between the mail service and the mail box (inbox), both of which reside on the WebTV server of White (*see* White, col. 6, ll. 53-64 and Figure 5). More importantly, e-mail messages are not, in any way, low-level protocol messages. The favorites database records disclosed in col. 8, ll. 30-52 of White are stored in a favorites database (545, Figure 5 of White) on the WebTV server. Similarly, the favorites records of a user are not communicated between a gateway and a receiver/decoder using any type of message structure, as required by the amended independent claims. Even assuming, *arguendo*, that the e-mail messages and/or the favorites records are communicated between the WebTV client and the WebTV server of White, there is still no gateway entity or gateway functionality in White, and therefore, there is no need for low-level messages that are compliant with the gateway protocol to facilitate communication between the receiver/decoder and the remote device(s).

Furthermore, the neither the e-mail messages nor the database records include the structure of the low-level messages required by the amended independent claims. Particularly, the amended independent claims recite that the low-level messages include a protocol version corresponding to the gateway protocol version that complies with the gateway, a command identifier that identifies the type of the message, and a data length indicating an overall length of *parameters* associated with the message. Further, parameters include a remote device identifier and the data that is communicated to the remote device. The e-mail messages and the database records taught by White do not include a protocol version or parameters that identify a remote device. Moreover, the e-mail messages and the database records do not include a data length that indicates the length of the *parameters* that are part of the message.

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Further, Mao fails to supply that which White lacks. Although Mao discloses a broadcast server that translates data for a set-top-box (*see* Mao, Figures 1-2, reference number 80, and col. 6, ll. 15-30), there is nothing in the cited portion of Mao or in the remainder of the reference that discusses low-level messages communicated between the broadcast server and the set-top-box with the structure recited in the amended independent claims.

Lastly, Peters does not supply that which White and Mao lack, as evidenced by the fact that Peters is only relied upon by the Examiner as teaching the linking of a broadcast services subscription with an internet services subscription (*see* Office Action mailed August 17, 2007, page 4).

In view of the above, it is clear that amended independent claims 1 and 18 are patentable over White, Peters, and Mao, whether considered separately or in combination. Further, dependent claims 2-10, 19, and 29, 30, 32, and 34-40 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 11345/042001).

Dated: October 31, 2007   Respectfully submitted,
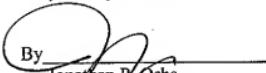
                                           By _____
                                           Jonathan P. Osha
                                           Registration No.: 33,986
                                           OSHA · LIANG LLP
                                           1221 McKinney St., Suite 2800
                                           Houston, Texas 77010
                                           (713) 228-8600
                                           (713) 228-8778 (Fax)
                                           Attorney for Applicant